

JOHNSON CITY HISTORIC ZONING COMMISSION BY-LAWS

I. PURPOSE

To establish procedures for processing applications for certificates of appropriateness for (1) changes in external appearance of existing structures; (2) design of new structures; and (3) for demolition of existing structures within a Johnson City Historic District.

II. GENERAL RULES

The Johnson City Historic Zoning Commission shall be governed by the terms of the Johnson City Historic Zoning Ordinance as contained in the Zoning Ordinance for the City of Johnson City, Tennessee.

III. JURISDICTION

The City's jurisdiction for requiring certificates of appropriateness as required by the Johnson City Historic Zoning Ordinance shall be delineated on the official zoning map on file at City Hall.

IV. MEMBERS, OFFICERS AND DUTIES

- A. **General** The Commission shall be composed of seven (7) members, including an architect if available, a member of the Planning Commission at the time of his/her appointment, and a member of a local patriotic or historical group. The members shall be appointed by the Johnson City Board of Commissioners. The majority of the members shall have demonstrated special interest, experience, or education in history or architecture. All members shall reside within Johnson City.
- B. **Chairperson** A chairman shall be elected by the voting members of the Historic Zoning Commission. His/her term shall be for one (1) year, and he/she may be reelected to consecutive terms. The chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The chairman shall appoint any committees found necessary to investigate any matters before the Commission.
- C. **Vice-Chairman** A vice-chairman shall be elected by the Commission from among its members in the same manner as the chairman and shall be eligible for re-election. He/she shall serve as acting chairman in the absence of the chairman, and at such times he/she shall have the same powers and duties as the chairman.

- D. **Secretary** The secretary, who shall be the Planning Director or designee, shall conduct all official correspondence, keep the minutes and records of the Commission, give adequate public notice of meetings, keep a file on each item which comes before the Commission, and attend to such other duties as are normally the function of a Secretary.
- E. **Committees** Committees may be created by the Chairman with the approval of the Commission members. At least one Commission member must be appointed to a committee; however members of the Community may serve on a committee. The Commission may create a Design Review Committee to serve as a counsel to the public for the Commission to expedite questions in design review. Three (3) members of the Commission must be appointed to the Design Review Committee.
- F. **Elections** Terms of officers shall be held at the January Commission meeting. Terms of officers shall begin at said meeting, following elections. Members shall be notified of the election of officers at least ten (10) days prior to the regular January meeting.
- G. **Terms of Appointments** Members shall be appointed to serve terms of five (5) years. Vacancies shall be filled for the unexpired term only.
- H. **Attendance at Meetings** Any member of the Commission who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his/her status as a member of the Commission and shall be replaced or reappointed by the Johnson City Board of Commissioners. Commission members must notify the Secretary of plans to miss a meeting via email or phone call. Absence due to sickness, death, or other emergencies of a like nature shall be recognized as excused absences, and shall not affect the member's status on the Commission except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced. When a member has exceeded the maximum number of unexcused absences, the Secretary shall notify the full Commission and the Johnson City Board of Commissioners.
- I. **Applications Involving Members** No Commission member **shall** take part in the hearing, consideration or determination of any case in which he/she owns property within 300 feet of, is a party to, or has a financial interest in the case.
- J. **No Commission** member shall vote on any matter deciding an application or a request to reconsider unless he/she has attended the Commission's previous deliberations on such application, or shall otherwise have the approval of the Chairman to vote on such matter. The Chairman's approval shall be contingent on the assurance by the member that he/she has familiarized himself/herself with the application and the minutes of any meetings at which the application was discussed.

- K. **No Commission** member shall discuss in any manner any application with any parties prior to the Commission's deliberations on such application, except as specified elsewhere in the Commission's By-Laws and Procedures.
- L. **Members of the Commission** shall not express individual opinions on the proper judgment of any application with any person prior to the determination of that application except in accordance with these rules. Violation of this rule shall be cause for dismissal from the Commission.
- M. **Each member of the Commission** shall thoroughly familiarize himself/herself with all statutes, laws, the ordinance, by-laws and procedures relating to Historic Zoning.
- N. **Members of the Commission** may be removed by the Johnson City Board of Commissioners for just cause.
- O. **An Annual Presentation** shall be given by the Commission to the Johnson City Regional Planning Commission and the Johnson City Board of Commissioners in December of each year. This presentation shall include the accomplishments of the Commission and the status of any grants applications and awards during the past year and also what the Commission plans to accomplish in the coming year.

V. MEETINGS

- A. Regular meetings of the Commission shall be held on the 4th Tuesday of each month at 5:30 p.m. in the City Commission Chambers of the Municipal & Safety Building; meetings may be held at some other convenient place in the City if directed by the Chairman in advance of the meeting.
- B. A meeting can be canceled by posting a notice with the media twenty-four (24) hours prior to the scheduled meeting.
- C. Special meetings of the Commission may be called at any time by the Chairman. At least seventy-two (72) hours notice of the time and place of special meetings shall be given, by the Secretary or by the Chairman, to each member of the Commission; provided, that this requirement may be waived by emergency request by action of a majority of all the members; however, all notices must be posted with the media.
- D. **Quorum** A quorum shall consist of a majority of the appointed and eligible members of the Commission.
- E. **Conduct of Meetings** All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

- (a) call to order
- (b) approval of agenda
- (c) reading and approval of minutes of previous meetings
- (d) report of committees
- (e) unfinished/old business
- (f) new business
- (g) motion to adjourn

F. **Review Criteria** In reviewing applications for certificates of appropriateness, the Commission shall take into account the Secretary of the Interior's Standards along with the historic and architectural significance of the structure. In its review, the Commission shall also take into account the following elements to ensure that the exterior form and appearance of the structure is consistent with the historic or visual character of the District:

- (1) The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
- (2) The setback and placement on lot of the buildings in relation to the average setback and placement of the nearest adjacent and opposite buildings.
- (3) Exterior construction materials, including textures and patterns, excluding color.
- (4) Architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
- (5) Roof shapes, forms, and materials.
- (6) Proportions, shapes, positioning and locations, patterns and sizes of any openings in the facade.
- (7) General form and proportions of buildings and structures.
- (8) Appurtenant fixtures and other features such as lighting, signage and awnings, railings, etc.
- (9) Structural condition and soundness.
- (10) Architectural Scale, in drawing refers to the proportion or ratio that defines the size relationship between objects in the proposed design.

The Commission may designate more formal design criteria as it deems necessary, as shall be found in the Johnson City Historic District Design Guidelines.

G. **Consideration of Applications** Any party shall appear in person or have a designated agent or attorney at the meeting. The order of business for consideration of applications for Certificate of Appropriateness shall be as follows:

- (1) The Chairman, or such person directed by the Chairman, shall give a preliminary statement concerning the application;
- (2) The applicant shall present the argument in support of his/her application. The applicant will have a maximum of five (5) minutes for his/her presentation;
- (3) Staff will provide a presentation regarding how the proposed application meets or does not meet the Design Guidelines and a recommendation to approve, deny, or defer the application;
- (4) Members of the public will have two (2) minutes each to comment on the application. Anyone representing an organization or group, such as a neighborhood association, will have five (5) minutes to comment;
- (5) The applicant shall have time for a rebuttal and will be limited to a maximum of three (3) minutes;
- (6) The Chairman will close the public hearing after all comments have been made;
- (7) The Commission shall after a second to the motion consider the application as it applies to the design guidelines and approve or disapprove a Certificate of Appropriateness;
- (8) The Commission will vote on the application.

The Commission may, at its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be based on the Johnson City Historic District Design Guidelines.

VI. APPLICATION PROCEDURES

- A. A completed application must be turned into the Planning Department Office on or before the tenth (10th) day of the month of the Commission meeting.

Note: The Historic Zoning Commission does not need a complete set of plans, only those relating to the exterior of the structure and a site plan.

It is the sole responsibility of the applicant to obtain a Certificate of Appropriateness beginning work. No building permit will be issued without a Certificate of Appropriateness. The applicant will be subject to fines for non-approved work.

- B. The agenda for the Commission meetings must be posted on the City's website three (3) days prior to the Commission meeting. The agenda must list all applications to be reviewed for the current Commission meeting. These serve as notification for property owners with adjoining properties.
- C. It shall be the policy of the Commission in regard to application involving new structures or extensive alterations and/or additions to existing structures that the

Design Committee of the Commission, shall be available to meet with representatives of the persons or organizations involved in the forthcoming application, to informally offer advise in the pre-design stage concerning the Commission's guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. This committee, collectively and individually, shall refrain from any indication of approval or disapproval, but shall not, for that reason be barred from a reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the committee at such an informal meeting shall be in any way official or binding upon the Johnson City Historic Zoning Commission at any time. Notice of the need for such a conference should be given to future applicants by the Town at the earliest appropriate time.

- D. The Commission must issue or deny a Certificate of Appropriateness within thirty (30) days after the hearing of an application, except when the time limit has been extended by mutual agreement between the applicant and the Commission. ***Incomplete applications will not be considered for a Certificate of Appropriateness.***
- E. The Secretary for the Commission shall notify the applicant of the status of the application by mail and shall file a copy of the decision in the City Office. If an application is denied, ***such notice shall include the reasons for such actions as defined in the design guidelines.***

VII. APPEALS PROCESS

The Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final judgment of the Commission may appeal to the General Session Court in Johnson City for a review of the judgment as provided for in the Tennessee Code Annotated, Section 27-9-102 and 27-9-103.

VIII. AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than four (4) members of the Commission, provided that such amendment shall have first been presented to the commission in writing at a regular or special meeting preceding the meeting at which the vote is taken.

(Adopted: February 28, 1996)
(Amended: January 28, 2002)
(Amended: January 22, 2008)
(Amended: January 27, 2009)
(Amended: February, 25, 2014)
(Amended: January 22, 2019)

(Amended: January 26, 1998)
(Amended: August 26, 2002)
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